

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MARTEZ HUNTER,)	
)	
Petitioner,)	
)	
v.)	No. 4:15 CV 494 DDN
)	
TERRY RUSSELL,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This federal habeas corpus action is before the Court on the motion of petitioner Martez Hunter for a copy of respondent's response, including all attachments, and for a hearing to obtain a copy of the Court's local rules and a copy of the federal Rules Governing Section 2254 Cases. (ECF No. 22).

The docket entries for this case indicate that respondent filed the response to the habeas petition on July 9, 2015. (ECF No. 18). At that time counsel for respondent certified that a copy of "the foregoing document" was mailed to petitioner on July 9, 2015. (ECF No. 18 at 26). The certification is unclear whether only the 26-page response memorandum was sent to petitioner or whether the 520 pages of exhibits (Exhibits A-I) to the response were also mailed to petitioner. However, the record indicates that petitioner may not have received any of these materials.

By letter dated July 6, 2016, petitioner requested a copy of the docket entries of this case, because the last information he had about the case was that a response to his petition was due to be filed on July 9, 2015, that the court had denied his request for the appointment of counsel, and that counsel for respondent had changed in November 2015. Petitioner's letter also indicates that he has not received a copy of the response to his habeas petition, which respondent filed on July 9, 2015. (ECF No. 20).

Further, by letter dated April 8, 2017, petitioner again indicates that he has not received a copy of the response to his habeas petition. He requests a copy of his docket sheet, which the Clerk of Court mailed to him. (ECF. No. 21).

Upon this record, respondent is ordered to serve another copy of the previously filed response memorandum and a copy of all filed exhibits to the response, and to certify to the Court that these materials have been mailed to petitioner. *See* Fed. R. Civ. P. 5(a), (d). Petitioner will be granted a period of time within which to file a reply to the response. *See* Rule 5(e), Rules Governing Section 2254 Cases.

Petitioner also seeks a hearing in order to obtain copies of the federal Rules Governing Section 2254 cases and of this Court's local rules. Petitioner has not established that this Court's local rules or the Rules Governing Section 2254 Cases are not otherwise available for him to use at the Eastern Reception and Diagnostic Center, Bonne Terre, Missouri, where the Court is advised petitioner is incarcerated by the Missouri Department of Corrections.

Accordingly,

IT IS HEREBY ORDERED that the motion of petitioner Martez Russell for a copy of respondent's response memorandum and the exhibits attached to it (ECF No. 22) is **GRANTED**. Respondent must serve these materials on petitioner and certify that this has been accomplished not later than June 5, 2017.

IT IS FURTHER ORDERED that petitioner may have until July 7, 2017, to file a reply to said response.

IT IS FURTHER ORDERED that petitioner's motion for production of this Court's local rules and a copy of the Rules Governing Section 2254 Cases and a related hearing (ECF No. 22) is **DENIED**.

/s/ David D. Noce

UNITED STATES MAGISTRATE JUDGE

Signed on May 3, 2017.